

REMARKS

Claim 1 is rejected over the combination of Li in view of the "Thin Film Optical Filter" by Macleod.

It is respectfully submitted that Macleod has nothing to do with the claimed invention. There is nothing in Macleod that in any way suggests anything about the claimed invention. The application of Macleod is fraught with hindsight application of art. There is nothing in Li which in any way suggests anything about having an oxide layer and a nitride layer as claimed. The assertion that Li somehow teaches this inherently is plainly mistaken. To be inherent it must necessarily have the claimed structure. Nothing in Li says anything about absorbing layers of the claimed materials in the claimed thicknesses.

To the extent that it is argued that it is well known that layer thickness is an essential factor for designing and adjusting the reflectance/transmittance spectrum of the multilayer interference coating, the Examiner is respectfully directed to show a reference which teaches this. However, it should be understood that doing so is simply attempting to reconstruct the reference with the benefit of hindsight. There is nothing in any of the references cited so far which in any way suggest the claimed combination or any reason to modify Li.

Likewise, the argument that it is common knowledge that interference color coating can assume quarter wavelength stack structure is plainly irrelevant to anything in the claimed invention. To the extent the Examiner will rely on this assertion, the Examiner is requested to cite a reference in support of the assertion. There is nothing that suggests using a quarter wavelength with anything to achieve the results claimed. In Macleod he mentions the words quarter wavelength. He never discusses oxide, he never discusses nitride, he never discusses blue light, and he never discusses making an absorbing layer of the type claimed.

The language of the office action of "obvious modifications," "well known," "common knowledge," "may be modified," and "general knowledge in the arts," are all hereby challenged and the Examiner is respectfully requested to show a reference in support thereof. Moreover, all this language is all indicative of the use of hindsight reasoning to attempt to reconstruct the claimed invention, knowing the solution, from some type of first principles. But none of those first principles have any obvious relevancy to the claimed invention. Therefore, the rejection of claim 1 should be reconsidered.

Claim 8 was rejected over the same combination. For the reasons described above, claim 8 is not in any way suggested by either of the references and no rationale is provided to make the combination from within the references themselves.

Likewise, claim 11 is no where suggested in the cited art. Claim 11 is not suggested by the further combination of Jerman since Jerman does not involve depositing a silver layer on a wafer. To the contrary, he clearly talks about using an adhesion layer which teaches away from the claimed invention, rather than suggesting it.


Claim 16 has been amended to include the subject matter of dependent claims 18, 20, 21, and 22, and for the reasons described above patentably distinguishes over the art of record.

Reconsideration is requested of the rejection of claim 25. Again, Jerman does not teach depositing silver on a silicon substrate, much less at a temperature of 50°C. He deposits one of a variety of materials on one of a variety of substrates using an adhesion layer 693, not a temperature less than 50°C and not depositing the silver on the silicon substrate itself. Therefore, reconsideration of the rejection of claim 25 is respectfully requested.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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